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AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1168

Introduced by Senator Pavley
(Principal coauthor: Assembly Member Dickinson)
(Coauthor: Assembly Member Rendon)

February 20, 2014

An act to amend Sections 10927, 10933, and 12924 of, to add Sections 113 and 10750.1 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to

determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins based on specified considerations, including any information determined to be relevant by the department.

This bill would specify that this relevant information may include adverse impacts on local habitat and local streamflows. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 31, 2015. This bill would authorize a local agency to request that the department revise the boundaries of a basin and would require the department, by January 1, 2016, to adopt regulations on the methodology and criteria to be used to evaluate the proposed revision. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill, with certain exceptions, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed.

This bill would require all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and would require all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, and to regulate groundwater extraction.

This bill would authorize a groundwater sustainability agency to conduct inspections and would authorize a groundwater sustainability agency to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would make its operation contingent on the enactment of both AB 1739 and SB 1319 of the 2013–14 Regular Session.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the
3 protection, management, and reasonable beneficial use of the water
4 resources of the state, both surface and underground, and that the
5 integrated management of the state's water resources is essential
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California's
8 water supply. Groundwater accounts for more than one-third of
9 the water used by Californians in an average year and more than
10 one-half of the water used by Californians in a drought year when
11 other sources are unavailable.

12 (3) Excessive groundwater extraction can cause overdraft, failed
13 wells, deteriorated water quality, environmental damage, and
14 irreversible land subsidence that damages infrastructure and
15 diminishes the capacity of aquifers to store water for the future.

16 (4) When properly managed, groundwater resources will help
17 protect communities, farms, and the environment against prolonged
18 dry periods and climate change, preserving water supplies for
19 existing and potential beneficial use.

20 (5) Failure to manage groundwater to prevent long-term
21 overdraft infringes on groundwater rights.

22 (6) Groundwater resources are most effectively managed at the
23 local or regional level.

24 (7) Groundwater management will not be effective unless local
25 actions to sustainably manage groundwater basins and subbasins
26 are taken.

27 (8) Local and regional agencies need to have the necessary
28 support and authority to manage groundwater sustainably.

29 (9) In those circumstances where a local groundwater
30 management agency is not managing its groundwater sustainably,
31 the state needs to protect the resource until it is determined that a
32 local groundwater management agency can sustainably manage
33 the groundwater basin or subbasin.

1 (10) Information on the amount of groundwater extraction,
2 natural and artificial recharge, and groundwater evaluations are
3 critical for effective management of groundwater.

4 (11) Sustainable groundwater management in California depends
5 upon creating more opportunities for robust conjunctive
6 management of surface water and groundwater resources. Climate
7 change will intensify the need to recalibrate and reconcile surface
8 water and groundwater management strategies.

9 (b) It is, therefore, the intent of the Legislature to do all of the
10 following:

11 (1) To provide local and regional agencies the authority to
12 sustainably manage groundwater.

13 (2) To provide that if no local groundwater agency or agencies
14 provide sustainable groundwater management for a groundwater
15 basin or subbasin, the state has the authority to develop and
16 implement an interim plan until the time the local groundwater
17 sustainability agency or agencies can assume management of the
18 basin or subbasin.

19 (3) To require the development and reporting of those data
20 necessary to support sustainable groundwater management,
21 including those data that help describe the basin's geology, the
22 short- and long-term trends of the basin's water balance, and other
23 measures of sustainability, and those data necessary to resolve
24 disputes regarding sustainable yield, beneficial uses, and water
25 rights.

26 (4) To respect overlying and other proprietary rights to
27 groundwater.

28 (5) To recognize and preserve the authority of cities and counties
29 to manage groundwater pursuant to their police powers.

30 SEC. 2. Section 113 is added to the Water Code, to read:

31 113. It is the policy of the state that groundwater resources be
32 managed sustainably for long-term reliability and multiple
33 economic, social, and environmental benefits for current and future
34 beneficial uses. Sustainable groundwater management is best
35 achieved locally through the development, implementation, and
36 updating of plans and programs based on the best available science.

37 SEC. 3. Part 2.74 (commencing with Section 10720) is added
38 to Division 6 of the Water Code, to read:

PART 2.74. SUSTAINABLE GROUNDWATER
MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part shall be known, and may be cited, as the
“Sustainable Groundwater Management Act.”

10720.1. In enacting this part, it is the intent of the Legislature
to do all of the following:

(a) To provide for the sustainable management of groundwater
basins.

(b) To enhance local management of groundwater consistent
with rights to use or store groundwater and Section 2 of Article X
of the California Constitution. It is the intent of the Legislature to
preserve the security of water rights in the state to the greatest
extent possible consistent with the sustainable management of
groundwater.

(c) To establish minimum standards for sustainable groundwater
management.

(d) To provide local groundwater agencies with the authority
and the technical and financial assistance necessary to sustainably
manage groundwater.

(e) To avoid or minimize subsidence.

(f) To improve data collection and understanding about
groundwater.

(g) To increase groundwater storage and remove impediments
to recharge.

(h) To manage groundwater basins through the actions of local
governmental agencies to the greatest extent feasible, while
minimizing state intervention to only when necessary to ensure
that local agencies manage groundwater in a sustainable manner.

10720.3. (a) This part applies to all groundwater basins in the
state.

(b) To the extent authorized under federal or tribal law, this part
applies to an Indian tribe and to the federal government, including,
but not limited to, the United States Department of Defense.

(c) The federal government or any federally recognized Indian
tribe, appreciating the shared interest in assuring the sustainability
of groundwater resources, may voluntarily agree to participate in
the preparation or administration of a groundwater sustainability

1 plan or groundwater management plan under this part through a
2 joint powers authority or other agreement with local agencies in
3 the basin. A participating tribe shall be eligible to participate fully
4 in planning, financing, and management under this part, including
5 eligibility for grants and technical assistance, if any exercise of
6 regulatory authority, enforcement, or imposition and collection of
7 fees is pursuant to the tribe's independent authority and not
8 pursuant to authority granted to a groundwater sustainability agency
9 under this part.

10 (d) In an adjudication of rights to the use of groundwater, and
11 in the management of a groundwater basin or subbasin by a
12 groundwater sustainability agency or by the board,
13 federally-reserved water rights to groundwater shall be respected
14 in full. In case of conflict between federal and state law in that
15 adjudication or management, federal law shall prevail. The
16 voluntary or involuntary participation of a holder of rights in that
17 adjudication or management shall not subject that holder to state
18 law regarding other proceedings or matters not authorized by
19 federal law. This subdivision is declaratory of existing law.

20 10720.5. (a) Groundwater management pursuant to this part
21 shall be consistent with Section 2 of Article X of the California
22 Constitution. Nothing in this part modifies rights or priorities to
23 use or store groundwater consistent with Section 2 of Article X of
24 the California Constitution, except that in basins designated
25 medium- or high-priority basins by the department, no extraction
26 of groundwater between January 1, 2015, and the date of adoption
27 of a groundwater sustainability plan pursuant to this part, whichever
28 is sooner, may be used as evidence of, or to establish or defend
29 against, any claim of prescription.

30 (b) Nothing in this part, or in any groundwater management
31 plan adopted pursuant to this part, determines or alters surface
32 water rights or groundwater rights under common law or any
33 provision of law that determines or grants surface water rights.

34 10720.7. (a) (1) By January 31, 2020, all basins designated
35 as high- or medium-priority basins by the department that have
36 been designated in Bulletin 118, as may be updated or revised on
37 or before January 1, 2017, as basins that are subject to critical
38 conditions of overdraft shall be managed under a groundwater
39 sustainability plan or coordinated groundwater sustainability plans
40 pursuant to this part.

(2) By January 31, 2022, all basins designated as high- or medium-priority basins by the department that are not subject to paragraph (1) shall be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans pursuant to this part.

(b) The Legislature encourages and authorizes basins designated as low- and very low-priority basins by the department to be managed under groundwater sustainability plans pursuant to this part. Chapter 11 (commencing with Section 10735) does not apply to a basin designated as a low- or very low-priority basin.

10720.8. (a) Except as provided in subdivision (e), this part does not apply to the following adjudicated areas or a local agency that conforms to the requirements of an adjudication of water rights for one of the following adjudicated areas:

- (1) Beaumont Basin.
- (2) Brite Basin.
- (3) Central Basin.
- (4) Chino Basin.
- (5) Cucamonga Basin.
- (6) Cummings Basin.
- (7) Goleta Basin.
- (8) Lytle Basin.
- (9) Main San Gabriel Basin.
- (10) Mojave Basin Area.
- (11) Puente Basin.
- (12) Raymond Basin.
- (13) Rialto-Colton Basin.
- (14) Riverside Basin.
- (15) San Bernardino Basin Area.
- (16) San Jacinto Basin.
- (17) Santa Margarita River Watershed.
- (18) Santa Maria Valley Basin.
- (19) Santa Paula Basin.
- (20) Scott River Stream System.
- (21) Seaside Basin.
- (22) Six Basins.
- (23) Tehachapi Basin.
- (24) Upper Los Angeles River Area.
- (25) Warren Valley Basin.
- (26) West Coast Basin.

1 (b) The Antelope Valley basin at issue in the Antelope Valley
2 Groundwater Cases (Judicial Council Coordination Proceeding
3 Number 4408) shall be treated as an adjudicated basin pursuant to
4 this section if the superior court issues a final judgment, order, or
5 decree.

6 (c) Any groundwater basin or portion of a groundwater basin
7 in Inyo County managed pursuant to the terms of the stipulated
8 judgment in City of Los Angeles v. Board of Supervisors of the
9 County of Inyo, et al. (Inyo County Case No. 12908) shall be
10 treated as an adjudicated area pursuant to this section.

11 (d) The Los Osos Groundwater Basin at issue in Los Osos
12 Community Service District v. Southern California Water Company
13 [Golden State Water Company] et al. (San Luis Obispo County
14 Superior Court Case No. CV 040126) shall be treated as an
15 adjudicated basin pursuant to this section if the superior court
16 issues a final judgment, order, or decree.

17 (e) If an adjudication action has determined the rights to extract
18 groundwater for only a portion of a basin, subdivisions (a), (b),
19 (c), and (d) apply only within the area for which the adjudication
20 action has determined those rights.

21 (f) The watermaster or a local agency within a basin identified
22 in subdivision (a) shall do all of the following:

23 (1) By April 1, 2016, submit to the department a copy of a
24 governing final judgment, or other judicial order or decree, and
25 any amendments entered before April 1, 2016.

26 (2) Within 90 days of entry by a court, submit to the department
27 a copy of any amendment made and entered by the court to the
28 governing final judgment or other judicial order or decree on or
29 after April 1, 2016.

30 (3) By April 1, 2016, and annually thereafter, submit to the
31 department a report containing the following information to the
32 extent available for the portion of the basin subject to the
33 adjudication:

34 (A) Groundwater elevation data unless otherwise submitted
35 pursuant to Section 10932.

36 (B) Annual aggregated data identifying groundwater extraction
37 for the preceding water year.

38 (C) Surface water supply used for or available for use for
39 groundwater recharge or in-lieu use.

40 (D) Total water use.

1 (E) Change in groundwater storage.

2 (F) The annual report submitted to the court.

3 10720.9. All relevant state agencies, including, but not limited
4 to, the board, the regional water quality control boards, the
5 department, and the Department of Fish and Wildlife, shall consider
6 the policies of this part, and any groundwater sustainability plans
7 adopted pursuant to this part, when revising or adopting policies,
8 regulations, or criteria, or when issuing orders or determinations,
9 where pertinent.

10
11 CHAPTER 2. DEFINITIONS
12

13 10721. Unless the context otherwise requires, the following
14 definitions govern the construction of this part:

15 (a) “Adjudication action” means an action filed in the superior
16 or federal district court to determine the rights to extract
17 groundwater from a basin or store water within a basin, including,
18 but not limited to, actions to quiet title respecting rights to extract
19 or store groundwater or an action brought to impose a physical
20 solution on a basin.

21 (b) “Basin” means a groundwater basin or subbasin identified
22 and defined in Bulletin 118 or as modified pursuant to Chapter 3
23 (commencing with Section 10722).

24 (c) “Bulletin 118” means the department’s report entitled
25 “California’s Groundwater: Bulletin 118” updated in 2003, as it
26 may be subsequently updated or revised in accordance with Section
27 12924.

28 (d) “Coordination agreement” means a legal agreement adopted
29 between two or more groundwater sustainability agencies that
30 provides the basis for coordinating multiple agencies or
31 groundwater sustainability plans within a basin pursuant to this
32 part.

33 (e) “De minimis extractor” means a person who extracts, for
34 domestic purposes, two acre-feet or less per year.

35 (f) “Governing body” means the legislative body of a
36 groundwater sustainability agency.

37 (g) “Groundwater” means water beneath the surface of the earth
38 within the zone below the water table in which the soil is
39 completely saturated with water, but does not include water that
40 flows in known and definite channels.

1 (h) “Groundwater extraction facility” means a device or method
2 for extracting groundwater from within a basin.

3 (i) “Groundwater recharge” means the augmentation of
4 groundwater, by natural or artificial means.

5 (j) “Groundwater sustainability agency” means one or more
6 local agencies that implement the provisions of this part. For
7 purposes of imposing fees pursuant to Chapter 8 (commencing
8 with Section 10730) or taking action to enforce a groundwater
9 sustainability plan, “groundwater sustainability agency” also means
10 each local agency comprising the groundwater sustainability
11 agency if the plan authorizes separate agency action.

12 (k) “Groundwater sustainability plan” or “plan” means a plan
13 of a groundwater sustainability agency proposed or adopted
14 pursuant to this part.

15 (l) “Groundwater sustainability program” means a coordinated
16 and ongoing activity undertaken to benefit a basin, pursuant to a
17 groundwater sustainability plan.

18 (m) “Local agency” means a local public agency that has water
19 supply, water management, or land use responsibilities within a
20 groundwater basin.

21 (n) “Operator” means a person operating a groundwater
22 extraction facility. The owner of a groundwater extraction facility
23 shall be conclusively presumed to be the operator unless a
24 satisfactory showing is made to the governing body of the
25 groundwater sustainability agency that the groundwater extraction
26 facility actually is operated by some other person.

27 (o) “Owner” means a person owning a groundwater extraction
28 facility or an interest in a groundwater extraction facility other
29 than a lien to secure the payment of a debt or other obligation.

30 (p) “Personal information” has the same meaning as defined in
31 Section 1798.3 of the Civil Code.

32 (q) “Planning and implementation horizon” means a 50-year
33 time period over which a groundwater sustainability agency
34 determines that plans and measures will be implemented in a basin
35 to ensure that the basin is operated within its sustainable yield.

36 (r) “Public water system” has the same meaning as defined in
37 Section 116275 of the Health and Safety Code.

38 (s) “Recharge area” means the area that supplies water to an
39 aquifer in a groundwater basin.

1 (t) “Sustainability goal” means the existence and implementation
2 of one or more groundwater sustainability plans that achieve
3 sustainable groundwater management by identifying and causing
4 the implementation of measures targeted to ensure that the
5 applicable basin is operated within its sustainable yield.

6 (u) “Sustainable groundwater management” means the
7 management and use of groundwater in a manner that can be
8 maintained during the planning and implementation horizon
9 without causing undesirable results.

10 (v) “Sustainable yield” means the maximum quantity of water,
11 calculated over a base period representative of long-term conditions
12 in the basin and including any temporary surplus, that can be
13 withdrawn annually from a groundwater supply without causing
14 an undesirable result.

15 (w) “Undesirable result” means one or more of the following
16 effects caused by groundwater conditions occurring throughout
17 the basin:

18 (1) Chronic lowering of groundwater levels indicating a
19 significant and unreasonable depletion of supply if continued over
20 the planning and implementation horizon. Overdraft during a period
21 of drought is not sufficient to establish a chronic lowering of
22 groundwater levels if extractions and recharge are managed as
23 necessary to ensure that reductions in groundwater levels or storage
24 during a period of drought are offset by increases in groundwater
25 levels or storage during other periods.

26 (2) Significant and unreasonable reduction of groundwater
27 storage.

28 (3) Significant and unreasonable seawater intrusion.

29 (4) Significant and unreasonable degraded water quality,
30 including the migration of contaminant plumes that impair water
31 supplies.

32 (5) Significant and unreasonable land subsidence that
33 substantially interferes with surface land uses.

34 (6) Surface water depletions that have significant and
35 unreasonable adverse impacts on beneficial uses of the surface
36 water.

37 (x) “Water budget” means an accounting of the total
38 groundwater and surface water entering and leaving a basin
39 including the changes in the amount of water stored.

(y) “Watermaster” means a watermaster appointed by a court or pursuant to other law.

(z) “Water year” means the period from October 1 through the following September 30, inclusive.

(aa) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

10722. Unless other basin boundaries are established pursuant to this chapter, a basin’s boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency’s request shall be supported by the following information:

(1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.

(3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.

(4) Other information the department deems necessary to justify revision of the basin’s boundary.

(b) By January 1, 2016, the department shall adopt regulations regarding the information required to comply with subdivision (a), including the methodology and criteria to be used to evaluate the proposed revision. The department shall adopt the regulations, including any amendments thereto, authorized by this section as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding the Administrative Procedure

1 Act, emergency regulations adopted by the department pursuant
2 to this section shall not be subject to review by the Office of
3 Administrative Law and shall remain in effect until revised by the
4 department.

5 (c) Methodology and criteria established pursuant to subdivision
6 (b) shall address all of the following:

7 (1) How to assess the likelihood that the proposed basin can be
8 sustainably managed.

9 (2) How to assess whether the proposed basin would limit the
10 sustainable management of adjacent basins.

11 (3) How to assess whether there is a history of sustainable
12 management of groundwater levels in the proposed basin.

13 (d) Prior to adopting and finalizing the regulations, the
14 department shall conduct three public meetings to consider public
15 comments. The department shall publish the draft regulations on
16 its Internet Web site at least 30 days before the public meetings.
17 One meeting shall be conducted at a location in northern California,
18 one meeting shall be conducted at a location in the central valley
19 of California, and one meeting shall be conducted at a location in
20 southern California.

21 (e) The department shall provide a copy of its draft revision of
22 a basin's boundaries to the California Water Commission. The
23 California Water Commission shall hear and comment on the draft
24 revision within 60 days after the department provides the draft
25 revision to the commission.

26 10722.4. (a) Pursuant to Section 10933, for the purposes of
27 this part the department shall categorize each basin as one of the
28 following priorities:

29 (1) High priority.

30 (2) Medium priority.

31 (3) Low priority.

32 (4) Very low priority.

33 (b) The initial priority for each basin shall be established by the
34 department pursuant to Section 10933 no later than January 31,
35 2015.

36 (c) Anytime the department updates Bulletin 118 boundaries
37 pursuant to subdivision (b) of Section 12924, the department shall
38 reassess the prioritization pursuant to Section 10933.

39 (d) Anytime the department changes the basin priorities pursuant
40 to Section 10933, if a basin is elevated to a medium- or

1 high-priority basin after January 31, 2015, a local agency shall
2 have two years from the date of reprioritization to either establish
3 a groundwater sustainability agency pursuant to Chapter 4
4 (commencing with Section 10723) and five years from the date of
5 reprioritization to adopt a groundwater sustainability plan pursuant
6 to Chapter 6 (commencing with Section 10727) or two years to
7 satisfy the requirements of Section 10733.6.

8
9 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
10 AGENCIES
11

12 10723. (a) Except as provided in subdivision (c), any local
13 agency or combination of local agencies overlying a groundwater
14 basin may elect to be a groundwater sustainability agency for that
15 basin.

16 (b) Before electing to be a groundwater sustainability agency,
17 and after publication of notice pursuant to Section 6066 of the
18 Government Code, the local agency or agencies shall hold a public
19 hearing in the county or counties overlying the basin.

20 (c) (1) Except as provided in paragraph (2), the following
21 agencies created by statute to manage groundwater shall be deemed
22 the exclusive local agencies within their respective statutory
23 boundaries with powers to comply with this part:

24 (A) Alameda County Flood Control and Water Conservation
25 District, Zone 7.

26 (B) Alameda County Water District.

27 (C) Desert Water Agency.

28 (D) Fox Canyon Groundwater Management Agency.

29 (E) Honey Lake Valley Groundwater Management District.

30 (F) Long Valley Groundwater Management District.

31 (G) Mendocino City Community Services District.

32 (H) Mono County Tri-Valley Groundwater Management
33 District.

34 (I) Monterey Peninsula Water Management District.

35 (J) Ojai Groundwater Management Agency.

36 (K) Orange County Water District.

37 (L) Pajaro Valley Water Management Agency.

38 (M) Santa Clara Valley Water District.

39 (N) Sierra Valley Water District.

40 (O) Willow Creek Groundwater Management Agency.

(2) An agency identified in this subdivision may elect to opt out of being the exclusive groundwater management agency within its statutory boundaries by sending a notice to the department, which shall be posted pursuant to Section 10733.3. If an agency identified in paragraph (1) elects to opt out of being the exclusive groundwater management agency, any other local agency or combination of local agencies operating within the statutory boundaries of the agency that has elected to opt out may notify the department pursuant to subdivision (d) of its election to be the groundwater sustainability agency.

(3) A local agency listed in paragraph (1) may comply with this part by meeting the requirements of Section 10733.6 or electing to become a groundwater sustainability agency pursuant to this section. A local agency with authority to implement a basin-specific management plan pursuant to its principal act shall not exercise any authorities granted in this part in a manner inconsistent with any prohibitions or limitations in its principal act unless the governing board of the local agency makes a finding that the agency is unable to sustainably manage the basin without the prohibited authority.

(d) A local agency or combination of local agencies that elects to be the groundwater sustainability agency shall submit a notice of intent to the department, which shall be posted pursuant to Section 10733.3. The notice of intent shall include a description of the proposed boundaries of the basin or portion of the basin that the local agency or combination of local agencies intends to manage pursuant to this part.

10723.2. The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:

(a) Holders of overlying groundwater rights, including:

(1) Agricultural users.

(2) Domestic well owners.

(b) Municipal well operators.

(c) Public water systems.

(d) Local land use planning agencies.

(e) Environmental users of groundwater.

1 (f) Surface water users, if there is a hydrologic connection
2 between surface and groundwater bodies.

3 (g) The federal government, including, but not limited to, the
4 military and managers of federal lands.

5 (h) California Native American tribes.

6 (i) Disadvantaged communities, including, but not limited to,
7 those served by private domestic wells or small community water
8 systems.

9 (j) Entities listed in Section 10927 that are monitoring and
10 reporting groundwater elevations in all or a part of a groundwater
11 basin managed by the groundwater sustainability agency.

12 10723.4. The groundwater sustainability agency shall establish
13 and maintain a list of persons interested in receiving notices
14 regarding plan preparation, meeting announcements, and
15 availability of draft plans, maps, and other relevant documents.
16 Any person may request, in writing, to be placed on the list of
17 interested persons.

18 10723.6. (a) A combination of local agencies may form a
19 groundwater sustainability agency by using any of the following
20 methods:

21 (1) A joint powers agreement.

22 (2) A memorandum of agreement or other legal agreement.

23 (b) A water corporation regulated by the Public Utilities
24 Commission may participate in a groundwater sustainability agency
25 if the local agencies approve.

26 10723.8. (a) Within 30 days of electing to be or forming a
27 groundwater sustainability agency, the groundwater sustainability
28 agency shall inform the department of its election or formation
29 and its intent to undertake sustainable groundwater management.
30 The notification shall include the following information, as
31 applicable:

32 (1) The service area boundaries, the basin the agency is
33 managing, and the other groundwater sustainability agencies
34 operating within the basin.

35 (2) A copy of the resolution forming the new agency.

36 (3) A copy of any new bylaws, ordinances, or new authorities
37 adopted by the local agency.

38 (4) A list of interested parties developed pursuant to Section
39 10723.2 and an explanation of how their interests will be
40 considered in the development and operation of the groundwater

1 sustainability agency and the development and implementation of
2 the agency's sustainability plan.

3 (b) Except as provided in subdivision (d), 90 days following
4 the posting of the notice pursuant to this section, the groundwater
5 sustainability agency shall be presumed the exclusive groundwater
6 sustainability agency within the area of the basin the agency is
7 managing as described in the notice, provided that no other notice
8 was submitted.

9 (c) A groundwater sustainability agency may withdraw from
10 managing a basin by notifying the department in writing of its
11 intent to withdraw.

12 (d) This section does not preclude the board from taking an
13 action pursuant to Section 10735.6.

14 (e) The department shall post all notices received under this
15 section in accordance with Section 10733.3.

16 10724. (a) In the event that there is an area within a basin that
17 is not within the management area of a groundwater sustainability
18 agency, the county within which that unmanaged area lies will be
19 presumed to be the groundwater sustainability agency for that area.

20 (b) A county described in subdivision (a) shall provide
21 notification to the department pursuant to Section 10723.8 unless
22 the county notifies the department that it will not be the
23 groundwater sustainability agency for the area. Extractions of
24 groundwater made on or after July 1, 2017, in that area shall be
25 subject to reporting in accordance with Part 5.2 (commencing with
26 Section 5200) of Division 2 if the county does either of the
27 following:

28 (1) Notifies the department that it will not be the groundwater
29 sustainability agency for an area.

30 (2) Fails to provide notification to the department pursuant to
31 Section 10723.8 for an area on or before June 30, 2017.

32 CHAPTER 5. POWERS AND AUTHORITIES

33
34
35 10725. (a) A groundwater sustainability agency may exercise
36 any of the powers described in this chapter in implementing this
37 part, in addition to, and not as a limitation on, any existing
38 authority, if the groundwater sustainability agency adopts and
39 submits to the department a groundwater sustainability plan or

1 prescribed alternative documentation in accordance with Section
2 10733.6.

3 (b) A groundwater sustainability agency has and may use the
4 powers in this chapter to provide the maximum degree of local
5 control and flexibility consistent with the sustainability goals of
6 this part.

7 10725.2. (a) A groundwater sustainability agency may perform
8 any act necessary or proper to carry out the purposes of this part.

9 (b) A groundwater sustainability agency may adopt rules,
10 regulations, ordinances, and resolutions for the purpose of this
11 part, in compliance with any procedural requirements applicable
12 to the adoption of a rule, regulation, ordinance, or resolution by
13 the groundwater sustainability agency.

14 (c) In addition to any other applicable procedural requirements,
15 the groundwater sustainability agency shall provide notice of the
16 proposed adoption of the groundwater sustainability plan on its
17 Internet Web site and provide for electronic notice to any person
18 who requests electronic notification.

19 10725.4. (a) A groundwater sustainability agency may conduct
20 an investigation for the purposes of this part, including, but not
21 limited to, investigations for the following:

- 22 (1) To determine the need for groundwater management.
23 (2) To prepare and adopt a groundwater sustainability plan and
24 implementing rules and regulations.
25 (3) To propose and update fees.
26 (4) To monitor compliance and enforcement.

27 (b) An investigation may include surface waters and surface
28 water rights as well as groundwater and groundwater rights.

29 (c) In connection with an investigation, a groundwater
30 sustainability agency may inspect the property or facilities of a
31 person or entity to ascertain whether the purposes of this part are
32 being met and compliance with this part. The local agency may
33 conduct an inspection pursuant to this section upon obtaining any
34 necessary consent or obtaining an inspection warrant pursuant to
35 the procedure set forth in Title 13 (commencing with Section
36 1822.50) of Part 3 of the Code of Civil Procedure.

37 10725.6. A groundwater sustainability agency may require
38 registration of a groundwater extraction facility within the
39 management area of the groundwater sustainability agency.

1 10725.8. (a) A groundwater sustainability agency may require
2 through its groundwater sustainability plan that the use of every
3 groundwater extraction facility within the management area of the
4 groundwater sustainability agency be measured by a
5 water-measuring device satisfactory to the groundwater
6 sustainability agency.

7 (b) All costs associated with the purchase and installation of
8 the water-measuring device shall be borne by the owner or operator
9 of each groundwater extraction facility. The water measuring
10 devices shall be installed by the groundwater sustainability agency
11 or, at the groundwater sustainability agency's option, by the owner
12 or operator of the groundwater extraction facility. Water-measuring
13 devices shall be calibrated on a reasonable schedule as may be
14 determined by the groundwater sustainability agency.

15 (c) A groundwater sustainability agency may require, through
16 its groundwater sustainability plan, that the owner or operator of
17 a groundwater extraction facility within the groundwater
18 sustainability agency file an annual statement with the groundwater
19 sustainability agency setting forth the total extraction in acre-feet
20 of groundwater from the facility during the previous water year.

21 (d) In addition to the measurement of groundwater extractions
22 pursuant to subdivision (a), a groundwater sustainability agency
23 may use any other reasonable method to determine groundwater
24 extraction.

25 (e) This section does not apply to de minimis extractors.

26 10726. An entity within the area of a groundwater sustainability
27 plan shall report the diversion of surface water to underground
28 storage to the groundwater sustainability agency for the relevant
29 portion of the basin.

30 10726.2. A groundwater sustainability agency may do the
31 following:

32 (a) Acquire by grant, purchase, lease, gift, devise, contract,
33 construction, or otherwise, and hold, use, enjoy, sell, let, and
34 dispose of, real and personal property of every kind, including
35 lands, water rights, structures, buildings, rights-of-way, easements,
36 and privileges, and construct, maintain, alter, and operate any and
37 all works or improvements, within or outside the agency, necessary
38 or proper to carry out any of the purposes of this part.

39 (b) Appropriate and acquire surface water or groundwater and
40 surface water or groundwater rights, import surface water or

1 groundwater into the agency, and conserve and store within or
2 outside the agency that water for any purpose necessary or proper
3 to carry out the provisions of this part, including, but not limited
4 to, the spreading, storing, retaining, or percolating into the soil of
5 the waters for subsequent use or in a manner consistent with the
6 provisions of Section 10727.2. As part of this authority, the agency
7 shall not alter another person's or agency's existing groundwater
8 conjunctive use or storage program except upon a finding that the
9 conjunctive use or storage program interferes with implementation
10 of the agency's groundwater sustainability plan.

11 (c) Provide for a program of voluntary fallowing of agricultural
12 lands or validate an existing program.

13 (d) Perform any acts necessary or proper to enable the agency
14 to purchase, transfer, deliver, or exchange water or water rights of
15 any type with any person that may be necessary or proper to carry
16 out any of the purposes of this part, including, but not limited to,
17 providing surface water in exchange for a groundwater extractor's
18 agreement to reduce or cease groundwater extractions. The agency
19 shall not deliver retail water supplies within the service area of a
20 public water system without either the consent of that system or
21 authority under the agency's existing authorities.

22 (e) Transport, reclaim, purify, desalinate, treat, or otherwise
23 manage and control polluted water, wastewater, or other waters
24 for subsequent use in a manner that is necessary or proper to carry
25 out the purposes of this part.

26 (f) Commence, maintain, intervene in, defend, compromise,
27 and assume the cost and expenses of any and all actions and
28 proceedings.

29 10726.4. (a) A groundwater sustainability agency shall have
30 the following additional authority and may regulate groundwater
31 extraction using that authority:

32 (1) To impose spacing requirements on new groundwater well
33 construction to minimize well interference and impose reasonable
34 operating regulations on existing groundwater wells to minimize
35 well interference, including requiring extractors to operate on a
36 rotation basis.

37 (2) To control groundwater extractions by regulating, limiting,
38 or suspending extractions from individual groundwater wells or
39 extractions from groundwater wells in the aggregate, construction
40 of new groundwater wells, enlargement of existing groundwater

1 wells, or reactivation of abandoned groundwater wells, or otherwise
2 establishing groundwater extraction allocations. A limitation on
3 extractions by a groundwater sustainability agency shall not be
4 construed to be a final determination of rights to extract
5 groundwater from the basin or any portion of the basin.

6 (3) To authorize temporary and permanent transfers of
7 groundwater extraction allocations within the agency's boundaries,
8 if the total quantity of groundwater extracted in any water year is
9 consistent with the provisions of the groundwater sustainability
10 plan. The transfer is subject to applicable city and county
11 ordinances.

12 (4) To establish accounting rules to allow unused groundwater
13 extraction allocations issued by the agency to be carried over from
14 one year to another and voluntarily transferred, if the total quantity
15 of groundwater extracted in any five-year period is consistent with
16 the provisions of the groundwater sustainability plan.

17 (b) This section does not authorize a groundwater sustainability
18 agency to issue permits for the construction, modification, or
19 abandonment of groundwater wells, except as authorized by a
20 county with authority to issue those permits. A groundwater
21 sustainability agency may request of the county, and the county
22 shall consider, that the county forward permit requests for the
23 construction of new groundwater wells, the enlarging of existing
24 groundwater wells, and the reactivation of abandoned groundwater
25 wells to the groundwater sustainability agency before permit
26 approval.

27 10726.6. (a) A groundwater sustainability agency that adopts
28 a groundwater sustainability plan may file an action to determine
29 the validity of the plan pursuant to Chapter 9 (commencing with
30 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure
31 no sooner than 180 days following the adoption of the plan.

32 (b) Subject to Sections 394 and 397 of the Code of Civil
33 Procedure, the venue for an action pursuant to this section shall
34 be the county in which the principal office of the groundwater
35 management agency is located.

36 (c) Any judicial action or proceeding to attack, review, set aside,
37 void, or annul the ordinance or resolution imposing a new, or
38 increasing an existing, fee imposed pursuant to Section 10730,
39 10730.2, or 10730.4 shall be commenced within 180 days following
40 the adoption of the ordinance or resolution.

(d) Any person may pay a fee imposed pursuant to Section 10730, 10730.2, or 10730.4 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund of that payment in Article 2 (commencing with Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, as applicable.

(e) Except as otherwise provided in this section, actions by a groundwater sustainability agency are subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure.

10726.8. (a) This part is in addition to, and not a limitation on, the authority granted to a local agency under any other law. The local agency may use the local agency's authority under any other law to apply and enforce any requirements of this part, including, but not limited to, the collection of fees.

(b) Nothing in this part shall be construed as authorizing a local agency to make a binding determination of the water rights of any person or entity.

(c) Nothing in this part is a limitation on the authority of the board, the department, or the State Department of Public Health.

(d) Notwithstanding Section 6103 of the Government Code, a state or local agency that extracts groundwater shall be subject to a fee imposed under this part to the same extent as any nongovernmental entity.

(e) Except as provided in subdivision (d), this part does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state. State agencies and departments shall work cooperatively with a local agency on a voluntary basis.

(f) Nothing in a groundwater sustainability plan shall be interpreted as superseding the land use authority of cities and counties.

CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

10727. (a) A groundwater sustainability plan shall be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency to meet the

1 sustainability goal established pursuant to this part. The
2 groundwater sustainability plan may incorporate, extend, or be
3 based on a plan adopted pursuant to Part 2.75 (commencing with
4 Section 10750).

5 (b) A groundwater sustainability plan may be any of the
6 following:

7 (1) A single plan covering the entire basin developed and
8 implemented by one groundwater sustainability agency.

9 (2) A single plan covering the entire basin developed and
10 implemented by multiple groundwater sustainability agencies.

11 (3) Subject to Section 10727.6, multiple plans implemented by
12 multiple groundwater sustainability agencies and coordinated
13 pursuant to a single coordination agreement that covers the entire
14 basin.

15 10727.2. A groundwater sustainability plan shall include all
16 of the following:

17 (a) A description of the physical setting and characteristics of
18 the aquifer system underlying the basin that includes the following:

19 (1) Historical data, to the extent available.

20 (2) Groundwater levels, groundwater quality, subsidence, and
21 groundwater-surface water interaction.

22 (3) A general discussion of historical and projected water
23 demands and supplies.

24 (4) A map that details the area of the basin and the boundaries
25 of the groundwater sustainability agencies that overlie the basin
26 that have or are developing groundwater sustainability plans.

27 (5) A map identifying existing and potential recharge areas for
28 the basin. The map or maps shall identify the existing recharge
29 areas that substantially contribute to the replenishment of the
30 groundwater basin. The map or maps shall be provided to the
31 appropriate local planning agencies after adoption of the
32 groundwater sustainability plan.

33 (b) (1) Measurable objectives, as well as interim milestones in
34 increments of five years, to achieve the sustainability goal in the
35 basin within 20 years of the implementation of the plan.

36 (2) A description of how the plan helps meet each objective and
37 how each objective is intended to achieve the sustainability goal
38 for the basin for long-term beneficial uses of groundwater.

39 (3) (A) Notwithstanding paragraph (1), at the request of the
40 groundwater sustainability agency, the department may grant an

1 extension of up to 5 years beyond the 20-year sustainability
2 timeframe upon a showing of good cause. The department may
3 grant a second extension of up to five years upon a showing of
4 good cause if the groundwater sustainability agency has begun
5 implementation of the work plan described in clause (iii) of
6 subparagraph (B).

7 (B) The department may grant an extension pursuant to this
8 paragraph if the groundwater sustainability agency does all of the
9 following:

10 (i) Demonstrates a need for an extension.

11 (ii) Has made progress toward meeting the sustainability goal
12 as demonstrated by its progress at achieving the milestones
13 identified in its groundwater sustainability plan.

14 (iii) Adopts a feasible work plan for meeting the sustainability
15 goal during the extension period.

16 (4) The plan may, but is not required to, address undesirable
17 results that occurred before, and have not been corrected by,
18 January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,
19 a groundwater sustainability agency has discretion as to whether
20 to set measurable objectives and the timeframes for achieving any
21 objectives for undesirable results that occurred before, and have
22 not been corrected by, January 1, 2015.

23 (c) A planning and implementation horizon.

24 (d) Components relating to the following, as applicable to the
25 basin:

26 (1) The monitoring and management of groundwater levels
27 within the basin.

28 (2) The monitoring and management of groundwater quality,
29 groundwater quality degradation, inelastic land surface subsidence,
30 and changes in surface flow and surface water quality that directly
31 affect groundwater levels or quality or are caused by groundwater
32 extraction in the basin.

33 (3) Mitigation of overdraft.

34 (4) How recharge areas identified in the plan substantially
35 contribute to the replenishment of the basin.

36 (5) A description of surface water supply used or available for
37 use for groundwater recharge or in-lieu use.

38 (e) A summary of the type of monitoring sites, type of
39 measurements, and the frequency of monitoring for each location
40 monitoring groundwater levels, groundwater quality, subsidence,

1 streamflow, precipitation, evaporation, and tidal influence. The
2 plan shall include a summary of monitoring information such as
3 well depth, screened intervals, and aquifer zones monitored, and
4 a summary of the type of well relied on for the information,
5 including public, irrigation, domestic, industrial, and monitoring
6 wells.

7 (f) Monitoring protocols that are designed to detect changes in
8 groundwater levels, groundwater quality, inelastic surface
9 subsidence for basins for which subsidence has been identified as
10 a potential problem, and flow and quality of surface water that
11 directly affect groundwater levels or quality or are caused by
12 groundwater extraction in the basin. The monitoring protocols
13 shall be designed to generate information that promotes efficient
14 and effective groundwater management.

15 (g) A description of the consideration given to the applicable
16 county and city general plans and a description of the various
17 adopted water resources-related plans and programs within the
18 basin and an assessment of how the groundwater sustainability
19 plan may affect those plans.

20 10727.4. In addition to the requirements of Section 10727.2,
21 a groundwater sustainability plan shall include, where appropriate
22 and in collaboration with the appropriate local agencies, all of the
23 following:

- 24 (a) Control of saline water intrusion.
- 25 (b) Wellhead protection areas and recharge areas.
- 26 (c) Migration of contaminated groundwater.
- 27 (d) A well abandonment and well destruction program.
- 28 (e) Replenishment of groundwater extractions.
- 29 (f) Activities implementing, opportunities for, and removing
30 impediments to, conjunctive use or underground storage.
- 31 (g) Well construction policies.
- 32 (h) Measures addressing groundwater contamination cleanup,
33 recharge, diversions to storage, conservation, water recycling,
34 conveyance, and extraction projects.
- 35 (i) Efficient water management practices, as defined in Section
36 10902, for the delivery of water and water conservation methods
37 to improve the efficiency of water use.
- 38 (j) Efforts to develop relationships with state and federal
39 regulatory agencies.

1 (k) Processes to review land use plans and efforts to coordinate
2 with land use planning agencies to assess activities that potentially
3 create risks to groundwater quality or quantity.

4 (l) Impacts on groundwater dependent ecosystems.

5 10727.6. Groundwater sustainability agencies intending to
6 develop and implement multiple groundwater sustainability plans
7 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall
8 coordinate with other agencies preparing a groundwater
9 sustainability plan within the basin to ensure that the plans utilize
10 the same data and methodologies for the following assumptions
11 in developing the plan:

12 (a) Groundwater elevation data.

13 (b) Groundwater extraction data.

14 (c) Surface water supply.

15 (d) Total water use.

16 (e) Change in groundwater storage.

17 (f) Water budget.

18 (g) Sustainable yield.

19 10727.8. (a) Prior to initiating the development of a
20 groundwater sustainability plan, the groundwater sustainability
21 agency shall make available to the public and the department a
22 written statement describing the manner in which interested parties
23 may participate in the development and implementation of the
24 groundwater sustainability plan. The groundwater sustainability
25 agency shall provide the written statement to the legislative body
26 of any city, county, or city and county located within the
27 geographic area to be covered by the plan. The groundwater
28 sustainability agency may appoint and consult with an advisory
29 committee consisting of interested parties for the purposes of
30 developing and implementing a groundwater sustainability plan.
31 The groundwater sustainability agency shall encourage the active
32 involvement of diverse social, cultural, and economic elements of
33 the population within the groundwater basin prior to and during
34 the development and implementation of the groundwater
35 sustainability plan.

36 (b) For purposes of this section, interested parties include entities
37 listed in Section 10927 that are monitoring and reporting
38 groundwater elevations in all or a part of a groundwater basin
39 managed by the groundwater sustainability agency.

1 10728. On the April 1 following the adoption of a groundwater
2 sustainability plan and annually thereafter, a groundwater
3 sustainability agency shall submit a report to the department
4 containing the following information about the basin managed in
5 the groundwater sustainability plan:

- 6 (a) Groundwater elevation data.
- 7 (b) Annual aggregated data identifying groundwater extraction
8 for the preceding water year.
- 9 (c) Surface water supply used for or available for use for
10 groundwater recharge or in-lieu use.
- 11 (d) Total water use.
- 12 (e) Change in groundwater storage.

13 10728.2. A groundwater sustainability agency shall periodically
14 evaluate its groundwater sustainability plan, assess changing
15 conditions in the basin that may warrant modification of the plan
16 or management objectives, and may adjust components in the plan.
17 An evaluation of the plan shall focus on determining whether the
18 actions under the plan are meeting the plan's management
19 objectives and whether those objectives are meeting the
20 sustainability goal in the basin.

21 10728.4. A groundwater sustainability agency may adopt or
22 amend a groundwater sustainability plan after a public hearing,
23 held at least 90 days after providing notice to a city or county
24 within the area of the proposed plan or amendment. The
25 groundwater sustainability agency shall review and consider
26 comments from any city or county that receives notice pursuant
27 to this section and shall consult with a city or county that requests
28 consultation within 30 days of receipt of the notice. Nothing in
29 this section is intended to preclude an agency and a city or county
30 from otherwise consulting or commenting regarding the adoption
31 or amendment of a plan.

32 10728.6. Division 13 (commencing with Section 21000) of the
33 Public Resources Code does not apply to the preparation and
34 adoption of plans pursuant to this chapter. Nothing in this part
35 shall be interpreted as exempting from Division 13 (commencing
36 with Section 21000) of the Public Resources Code a project that
37 would implement actions taken pursuant to a plan adopted pursuant
38 to this chapter.

39 SEC. 4. Section 10750.1 is added to the Water Code, to read:

1 10750.1. (a) Beginning January 1, 2015, a new plan shall not
2 be adopted and an existing plan shall not be renewed pursuant to
3 this part, except as provided in subdivision (b). A plan adopted
4 before January 1, 2015, shall remain in effect until a groundwater
5 sustainability plan is adopted pursuant to Part 2.74 (commencing
6 with Section 10720).

7 (b) This section does not apply to a low- or very low priority
8 basin as categorized for the purposes of Part 2.74 (commencing
9 with Section 10720).

10 (c) This section does not apply to a plan submitted as an
11 alternative pursuant to Section 10733.6, unless the department has
12 not determined that the alternative satisfies the objectives of Part
13 2.74 (commencing with Section 10720) on or before January 31,
14 2020, or the department later determines that the plan does not
15 satisfy the objectives of that part.

16 SEC. 5. Section 10927 of the Water Code is amended to read:

17 10927. Any of the following entities may assume responsibility
18 for monitoring and reporting groundwater elevations in all or a
19 part of a basin or subbasin in accordance with this part:

20 (a) A watermaster or water management engineer appointed by
21 a court or pursuant to statute to administer a final judgment
22 determining rights to groundwater.

23 (b) (1) A groundwater management agency with statutory
24 authority to manage groundwater pursuant to its principal act that
25 is monitoring groundwater elevations in all or a part of a
26 groundwater basin or subbasin on or before January 1, 2010.

27 (2) A water replenishment district established pursuant to
28 Division 18 (commencing with Section 60000). This part does not
29 expand or otherwise affect the authority of a water replenishment
30 district relating to monitoring groundwater elevations.

31 (3) A groundwater sustainability agency with statutory authority
32 to manage groundwater pursuant to Part 2.74 (commencing with
33 Section 10720).

34 (c) A local agency that is managing all or part of a groundwater
35 basin or subbasin pursuant to Part 2.75 (commencing with Section
36 10750) and that was monitoring groundwater elevations in all or
37 a part of a groundwater basin or subbasin on or before January 1,
38 2010, or a local agency or county that is managing all or part of a
39 groundwater basin or subbasin pursuant to any other legally
40 enforceable groundwater management plan with provisions that

1 are substantively similar to those described in that part and that
2 was monitoring groundwater elevations in all or a part of a
3 groundwater basin or subbasin on or before January 1, 2010.

4 (d) A local agency that is managing all or part of a groundwater
5 basin or subbasin pursuant to an integrated regional water
6 management plan prepared pursuant to Part 2.2 (commencing with
7 Section 10530) that includes a groundwater management
8 component that complies with the requirements of Section 10753.7.

9 (e) A local agency that has been collecting and reporting
10 groundwater elevations and that does not have an adopted
11 groundwater management plan, if the local agency adopts a
12 groundwater management plan in accordance with Part 2.75
13 (commencing with Section 10750) by January 1, 2014. The
14 department may authorize the local agency to conduct the
15 monitoring and reporting of groundwater elevations pursuant to
16 this part on an interim basis, until the local agency adopts a
17 groundwater management plan in accordance with Part 2.75
18 (commencing with Section 10750) or until January 1, 2014,
19 whichever occurs first.

20 (f) A county that is not managing all or a part of a groundwater
21 basin or subbasin pursuant to a legally enforceable groundwater
22 management plan with provisions that are substantively similar to
23 those described in Part 2.75 (commencing with Section 10750).

24 (g) A voluntary cooperative groundwater monitoring association
25 formed pursuant to Section 10935.

26 SEC. 6. Section 10933 of the Water Code is amended to read:

27 10933. (a) The department shall commence to identify the
28 extent of monitoring of groundwater elevations that is being
29 undertaken within each basin and subbasin.

30 (b) The department shall prioritize groundwater basins and
31 subbasins for the purpose of implementing this section. In
32 prioritizing the basins and subbasins, the department shall, to the
33 extent data are available, consider all of the following:

34 (1) The population overlying the basin or subbasin.

35 (2) The rate of current and projected growth of the population
36 overlying the basin or subbasin.

37 (3) The number of public supply wells that draw from the basin
38 or subbasin.

39 (4) The total number of wells that draw from the basin or
40 subbasin.

1 (5) The irrigated acreage overlying the basin or subbasin.

2 (6) The degree to which persons overlying the basin or subbasin
3 rely on groundwater as their primary source of water.

4 (7) Any documented impacts on the groundwater within the
5 basin or subbasin, including overdraft, subsidence, saline intrusion,
6 and other water quality degradation.

7 (8) Any other information determined to be relevant by the
8 department, including adverse impacts on local habitat and local
9 streamflows.

10 (c) If the department determines that all or part of a basin or
11 subbasin is not being monitored pursuant to this part, the
12 department shall do all of the following:

13 (1) Attempt to contact all well owners within the area not being
14 monitored.

15 (2) Determine if there is an interest in establishing any of the
16 following:

17 (A) A groundwater management plan pursuant to Part 2.75
18 (commencing with Section 10750).

19 (B) An integrated regional water management plan pursuant to
20 Part 2.2 (commencing with Section 10530) that includes a
21 groundwater management component that complies with the
22 requirements of Section 10753.7.

23 (C) A voluntary groundwater monitoring association pursuant
24 to Section 10935.

25 (d) If the department determines that there is sufficient interest
26 in establishing a plan or association described in paragraph (2) of
27 subdivision (c), or if the county agrees to perform the groundwater
28 monitoring functions in accordance with this part, the department
29 shall work cooperatively with the interested parties to comply with
30 the requirements of this part within two years.

31 (e) If the department determines, with regard to a basin or
32 subbasin, that there is insufficient interest in establishing a plan
33 or association described in paragraph (2) of subdivision (c), and
34 if the county decides not to perform the groundwater monitoring
35 and reporting functions of this part, the department shall do all of
36 the following:

37 (1) Identify any existing monitoring wells that overlie the basin
38 or subbasin that are owned or operated by the department or any
39 other state or federal agency.

(2) Determine whether the monitoring wells identified pursuant to paragraph (1) provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations.

(3) If the department determines that the monitoring wells identified pursuant to paragraph (1) provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations, the department shall not perform groundwater monitoring functions pursuant to Section 10933.5.

(4) If the department determines that the monitoring wells identified pursuant to paragraph (1) provide insufficient information to demonstrate seasonal and long-term trends in groundwater elevations, the department shall perform groundwater monitoring functions pursuant to Section 10933.5.

SEC. 7. Section 12924 of the Water Code is amended to read:

12924. (a) The department, in conjunction with other public agencies, shall conduct an investigation of the state's groundwater basins. The department shall identify the state's groundwater basins on the basis of geological and hydrological conditions and consideration of political boundary lines whenever practical. The department shall also investigate existing general patterns of groundwater extraction and groundwater recharge within those basins to the extent necessary to identify basins that are subject to critical conditions of overdraft.

(b) The department may revise the boundaries of groundwater basins identified in subdivision (a) based on its own investigations or information provided by others.

(c) The department shall report its findings to the Governor and the Legislature not later than January 1, 2012, and thereafter in years ending in 5 or 0.

SEC. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 SEC. 10. This act shall only become operative if *both* Assembly
4 Bill 1739 *and Senate Bill 1319* of the 2013–14 Regular Session ~~is~~
5 *are* enacted and ~~becomes~~ *become* effective.

O